

***Judicial Watch v. Department of State (D.D.C. 15-cv-00687)***

Draft *Vaughn* of (b)(4) Redactions; F-2015-05056

September 15, 2015

1. **Document C05772435** is a three-page email exchange of which the top exchange is from Jacob L. Sullivan to former Secretary Hillary Clinton, dated and time-stamped September 14, 2010 9:05 AM, with the subject line “Fw: September 14 – E&E Daily is ready.” The bottom email in the chain, which is the only portion of the email exchange in which the Department withheld information under Exemption 4, 5 U.S.C. § 552(b)(4), is an email from E&E Publishing, LLC to a Department employee containing the E&E Daily synopsis of environmental and energy issues in Congress for the date September 14, 2010. The Department held subscription access to E&E’s publishing service. The Department withheld the proprietary text of the E&E Daily under FOIA Exemption 4 because this text is commercial intellectual property in the form of a compilation of information, comments and analysis by E&E Publishing, and therefore is protected confidential and privileged commercial information. Release of the experts’ comments, insights, and analysis to the public would make freely available a valuable commercial product that is the sole property of E&E Publishing.

2. **Document C05777590** is a two-page email exchange of which the top exchange is from Jacob L. Sullivan to former Secretary Hillary Clinton, dated and time-stamped January 13, 2011 2:14 PM, with the subject line “Report from Beijing.” The two pages contain a report from Robert D. Hormats to Jacob J. Sullivan about Mr. Hormats’ meetings in Beijing. The Department withheld information contained within two paragraphs of Mr. Hormats’ report under Exemption 4, 5 U.S.C. § 552(b)(4), to protect confidential commercial information about the

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status of two companies' potential sales in China. The release of the withheld information would provide business rivals with valuable information that is not available to the public about the business practices and negotiating strategies of two American corporations, which could cause them to be less competitive with their rivals in the future. Additionally, the release of this information could impair the Department's ability to obtain such information in the future and potentially impact the Department's ability to engage on issues related to American companies' activities abroad.

3. **Documents C05772250** (1 page), **C05772251** (2 pages), **C05772252** (2 pages), **and C05776774** (2 pages) are four versions of an email exchange that all begin with an email from Huma Abedin to former Secretary Hillary Clinton dated and time-stamped August 30, 2010 12:08 PM, with the subject line "Krishna points – will print but so u have." The 12:08PM email contains talking points, a statement of purpose, and background information for a proposed call. In all four documents, the Department withheld identical portions of the 12:08PM email and did not withhold any information elsewhere in the chains. The Department withheld from each document one sentence in the "Background" section of the email under Exemption 4, 5 U.S.C. § 552(b)(4), to protect confidential commercial information regarding foreign business strategies and decisions of two American companies, including criteria the companies were considering when determining whether to enter certain markets. The release of the withheld sentence would provide business rivals with valuable commercial information that is not available to the public about the business practices and negotiating strategies of two American companies, which could cause them to be less competitive with their rivals in the future. Additionally, the release of this information could impair the Department's ability to obtain such information in the future and

potentially impact the Department's ability to engage on issues related to American companies' activities abroad.

4. **Document C05767631** is a six page white paper dated July 30, 2009, drafted by ManTech International Corporation. In this white paper, ManTech describes the details and aims of a proprietary project proposal to USAID. The Department withheld the document in part under FOIA Exemption 4, 5 U. S. C. § 552(b)(4), to protect this confidential commercial information, including valuable commercial information about the technical approach, strategies, and business practices of ManTech. The release of the proposal would reveal business information that is not currently publicly available and would potentially cause ManTech to be less competitive with its rivals in the future.

5. **Documents C05766559** (1 page), **C05767777** (2 pages), **C05767779** (1 page), **C05767778** (2 pages), **C05767802** (3 pages), **C05772544** (2 pages), **C05772545** (2 pages), and **C05772571** (3 pages) are email exchanges which include discussions regarding various companies' contributions and potential contributions to the USA Pavilion for the Shanghai Expo. Document C05766559 consists of an email dated December 22, 2009 from Kris Balderston to Philippe Reines, Elizabeth Bagley, and Huma Abedin, with the subject line "Notes for S on Landler Chat," which was then forwarded to former Secretary Hillary Clinton. Documents C05767777, C05767779, C05767778, C05767802, C05772544, C05772545, and C05772571 are various versions of an email exchange between Kris Balderston and H between January 10 and January 12, 2010, with the subject line "Your technology dinner this evening." In each of these documents, the Department withheld the dollar amounts or ranges of specific companies' actual, proposed or pledged contributions for the Shanghai Expo under Exemption 4, 5 U.S.C. § 552(b)(4). The release of this information would reveal details about these companies' financial

decision-making regarding the allocation of their capital. The Department and the companies engaged in discussions about proposed or pledged contributions with an understanding that the details of such exchanges would be kept confidential. Accordingly, the release of this information would not only reveal information not customarily released to the public, but could also impair the Department's ability to obtain such information in the future.

6. **Document C05779427** is a fourteen-page finalized questionnaire entitled "Narcotics Study," which is an attachment to the email contained in document C05779424. The email in C05779424 is a one page message from Judith A. McHale to former Secretary Hillary Clinton and others, dated and time-stamped March 5, 2011 7:20 AM, with the subject line "Pakistan Focus Group." The questionnaire is proprietary intellectual property of The Rendon Group ("TRG"). The Department withheld the document in part under FOIA Exemption 4, 5 U. S. C. § 552(b)(4), because this document is commercial intellectual property in the form of a questionnaire constructed by TRG to gather specific information for the Department of State. TRG created the questionnaire based on its unique experience and proprietary methodology, and therefore it is protected confidential and privileged commercial information. Release of TRG's finalized questionnaire to the public would make freely available a valuable commercial product of TRG and, by revealing methodology, would potentially cause TRG to be less competitive with its rivals in the future. The Department has conducted a thorough review of the document for the purpose of releasing any non-exempt information that could be reasonably segregated for release and has determined that there is no meaningful, non-exempt information that could be released.

7. **Document C05789946** is a three-page intra-agency email exchange of which the top exchange is from Jacob Sullivan to former Secretary Hillary Clinton, dated and time-stamped May 3, 2012 2:51 AM, with the subject line "Fw: Express Delivery in China: SPB meeting read-

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out.” The Department withheld sensitive business information in two of the emails in the chain under Exemption 4, 5 U. S. C. § 552(b)(4). The withheld information reflects licensing and business negotiations regarding two American companies’ commercial activity in China. The release of the withheld information would provide business rivals with valuable information that is not available to the public about the business practices and negotiating strategies of two American corporations, which could cause them to be less competitive with their rivals in the future. Additionally, the release of this information could impair the Department’s ability to obtain such information in the future and potentially impact the Department’s ability to engage on issues related to American companies’ activities abroad.